

**BOARD OF SUPERVISORS
ACTION ITEM**

SUBJECT: Transportation Proffer Policies for Route 28 Conversion Applications

ELECTION DISTRICT: Broad Run, Dulles, Potomac, Sterling

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Danny Davis, County Administration
Robyn Bailey, Economic Development

RECOMMENDATION:

Economic Development Committee:

The Economic Development Committee voted 4-0-1 (Burk, absent) to recommend the Board of Supervisors approve the draft policy resolution in Attachment 1.

Staff:

Staff concurs with the Committee recommendation.

BACKGROUND:

At the April 28 and June 11 Economic Development Committee meetings, there was discussion related to transportation proffer policies for conversion applications in the Route 28 Tax District. During previous deliberations on the subject, the Board of Supervisors has established streamlined procedures for processing conversion applications in the Route 28 corridor. Essentially, these are properties that the County wants to encourage to remap from the 1972 or 1993 Zoning Ordinances to the same district in the Revised 1993 Zoning Ordinance. The Board has also approved the use of a standardized traffic study and proffer statement format to assist with these applications.

Some applications, during review by staff, the Planning Commission, and the Board, have been asked to provide transportation contributions that might be greater than the direct impact of the conversion approval. The standardized traffic study approved by the Board includes the most intense use for the property, even if the specific request is not seeking such a use. In such cases, by using the standardized traffic study, applicants may be asked to contribute based on a future scenario of a higher density not envisioned by the applicant. Many times, what should be a relatively quick and easy process has become protracted and resulted in additional time, cost, and effort for applicants.

The Board has indicated its intent and desire to facilitate zoning conversion applications. The Committee recommended that staff develop a Board policy, which can be passed along to the Planning Commission, related to transportation proffers for conversions. Attachment 1 is a draft resolution. In essence, the policy states that a "strict" zoning conversion (one maintaining the same zoning district

while remapping to the Revised 1993 Ordinance) would not be asked to provide any transportation contributions beyond those in existing proffers or conditions. The resolution recognizes the long-time contributions made by properties to the Route 28 Tax District and the improvements already funded by that additional tax. This policy resolution would only apply to taxpaying properties within the Tax District.

The Committee also recommended that this policy be communicated to the Planning Commission and that in order to streamline the process and facilitate zoning conversions, the Board suggest that, as often as practicable, the Commission vote on a zoning conversion application at that application's public hearing.

Recommendations related to zoning conversions are simply one step in facilitating the transition of the Route 28 corridor into a higher-value, employment corridor. The next steps for this transition are directly related to the Route 28 Stakeholder Outreach effort and Planning process. Once a vision is established for the long-term health/growth of the corridor, the Board may consider additional incentives and means to bring properties into the most appropriate zoning categories, which might include Board-initiated rezonings, batching of multiple properties to accomplish the rezonings all at once, and/or further incentives or streamlined efforts to offset transportation impacts in a predictable and certain method.

The Committee also discussed the idea of a defined "per square foot" or "per average daily trip generated" cash contribution for transportation improvements for non-strict conversion applications (e.g., changing from PD-IP to PD-OP or seeking higher density than allowed by-right). The Committee will continue those discussions at its July 16, 2009 meeting.

ISSUES:

- Is the Board interested in recommending a policy that strict zoning conversions not be subject to additional transportation contributions?
- Does the Board recommend that the Planning Commission facilitate the process by voting on conversion applications at their public hearing whenever possible?

FISCAL IMPACT:

Setting this policy does not create a fiscal impact on the County's operating budget. There may be instances where an applicant requesting a zoning conversion would have been asked to contribute to a traffic signal, road improvement, or provide cash for future improvements. This policy would recognize the value of the taxes paid by property owners in the district, the increased value to a property by converting that will help pay additional funds into the district, and that the desire of the Board for properties to convert is more significant than the funds that may have been requested during a conversion application.

ALTERNATIVE:

The Board may choose to not adopt a policy for conversion applications, as discussed above.

DRAFT MOTIONS:

1. I move that the Board of Supervisors adopt the policy resolution in Attachment 1.

Or,

2. I move an alternate motion.

ATTACHMENT:

1. DRAFT Policy Resolution Regarding Transportation Proffers for Zoning Conversion Applications

DRAFT

Policy Resolution Regarding Transportation Proffers for Zoning Conversion Applications

WHEREAS, the Loudoun County Board of Supervisors encourages properties in the Route 28 Tax District to "convert" from administration under the 1972 or 1993 Zoning Ordinances to the Revised 1993 Zoning Ordinance; and

WHEREAS, the Revised General Plan states that "The County will look at developing incentives to encourage Route 28 Tax District landowners to opt into the revised zoning ordinance;" and

WHEREAS, landowners in the Tax District pay an additional assessment on their properties and improvements to fund transportation improvements along Route 28; and

WHEREAS, the contributions by the Tax District to the road improvements have far exceeded expectations, so that Route 28 should be fully limited-access in Loudoun County by 2010; and

WHEREAS, the Board of Supervisors recognizes that converting to the revised zoning ordinance creates additional value for properties and increases the properties' contributions to the Tax District; and

WHEREAS, at certain times during the review of zoning conversion applications, applicants have been requested to provide transportation improvements, and that negotiations over these requests have delayed the applicants' anticipated timing for approval; and

WHEREAS, the Board of Supervisors wants to remove any potential impediments to a conversion application;

NOW, THEREFORE, BE IT RESOLVED, that the Loudoun County Board of Supervisors establishes a policy that zoning conversion applicants should not be requested to provide transportation improvements as a part of a strict zoning conversion application; and

BE IT FURTHER RESOLVED, that the Board of Supervisors will forward this resolution and policy statement to the Planning Commission for consideration during its review of zoning conversion applications; and

BE IT FURTHER RESOLVED, that the Board of Supervisors recommends that, to facilitate zoning conversion applications and should all staff issues be addressed, the Planning Commission take action on a zoning conversion application at its public hearing in order to facilitate the double-advertisement and quick disposition of such cases.